

EXACT ENGLISH

LANGUAGE

TRANSLATION OF THE

INTERNATIONAL

PRELIMINARY

REPORT ON

PATENTABILITY

INCLUDING ANNEXES

PATENT COOPERATION TREATY



PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

Applicant's or agent's file reference 14955	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/DE2004/001649	International filing date (<i>day/month/year</i>) 23.07.2004	Priority date (<i>day/month/year</i>) 01.08.2003
International Patent Classification (IPC) or national classification and IPC A61M5/31		
Applicant SCHERING AKTIENGESELLSCHAFT et al.		

1.	This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2.	This REPORT consists of a total of 5 sheets, including this cover sheet.
3.	This report is also accompanied by ANNEXES, comprising: <div style="margin-left: 20px;"> <p>a. <input checked="" type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of 11 sheets, as follows:</p> <div style="margin-left: 20px;"> <p><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> </div> <p>b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> </div>
4.	This report contains indications relating to the following items: <div style="margin-left: 20px;"> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement according to Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p> </div>

Date of submission of the demand 12.08.2004	Date of completion of this report 29.09.2005
Name and mailing address of the IPEA  European Patent Office D-80298 Munich Tel. +49 89 2399-0 Tx: 523656 epmu d Fax: +49 89 2399-4465	Authorized officer Krassow, H Tel. +49 89 2399-2096 

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/DE2004/001649

Box No. I. Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☐ This report is based on translations from the original language into the following language, which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b)).
 - ☐ publication of the international application (under Rule 12.4).
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3).

2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

Description, pages

3-32 as originally filed

1,2,2a-2c received on 09.09.2005 with the letter of 08.09.2005

Claims, No.

1-31 received on 09.09.2005 with the letter of 08.09.2005

Drawings, sheets

1/57-57/57 as originally filed

- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listing (*specify*):

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)):

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/DE2004/001649

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	1-31
	No:	Claims	
Inventive Step (IS)	Yes:	Claims	1-31
	No:	Claims	
Industrial Applicability (IA)	Yes:	Claims	1-31
	No:	Claims	

2. Citations and explanations (Rule 70.7)

see separate sheet

Concerning point V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting this statement**

Reference is made to the following document:

D3: FR-A-2 616 221 (Jacques Chevalier),
June 2, 1987 (1987. 06.02)

1. The subject of **claim 1 satisfies the requirements of Article 33(2), (3) and (4) PCT.**

Claim 1 is based on a combination of the original claims 1-5 and the description, pages 2, 8 and 9 ("... the actuating work being converted, by means of a single, targeted linear movement of the actuating element, into the insertion stroke, the injection stroke and the return stroke, ...").

Document D3, which is assessed on pages 2a and 2b of the description and represents the closest prior art, discloses an injection device for a syringe in accordance with the preamble of current claim 1. In particular, D3 thus describes an injection device having

- 1) a syringe body, a cannula with a needle, a plunger with a plunger rod, and
- 2) at least one actuating element (55, 55a) for converting the actuating work, to be performed manually by the patient, into a displacement of the syringe body during an insertion stroke and a return stroke, and into a displacement of the plunger rod during an injection stroke, and with
- 3) an injection carriage (20+30+40) which includes a syringe holder (20) in which the syringe body is mounted, and a ram (40) which is displaceable against the latter for displacing the plunger rod, wherein
- 4) the actuating work is converted, by means of a single, targeted linear movement of the actuating element (withdrawal from the device at ring 55a), into the insertion stroke, the injection stroke and the return stroke, as the actuating element acts on the injection carriage by means of locking and coupling elements (53, 52) in a positionally and directionally defined manner.

The injection device according to claim 1 differs from this known device in that the actuating element (120, 220, 320, 420), **for performing a return stroke that corresponds in magnitude to the insertion stroke**, acts on the injection carriage and thus on the associated syringe holder (140, 240, 340) by means of locking and

coupling elements in a positionally and directionally defined manner, **with intercalation of a further carriage (114A, 260, 323, 423).**

The effect of this is that the device can be used not just for one specific syringe format, and, in addition, the restoring spring does not have to be specially selected or dimensioned in order to maintain a defined return stroke (cf. description, page 2a, line 32 to page 2b, line 9).

2. The additional features defined in the dependent claims 2–31 represent preferred embodiments of the subject of claim 1. Therefore, the dependent claims also satisfy the PCT requirements.